

## BURLINGTON CITY COUNCIL REGULAR SESSION JUNE 4, 2014

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, June 4, 2014. President of Council William C. Scott called the meeting to order.

**ROLL CALL:** ☐ Mayor Gene L. Merry

**Council Members present:**

☒ William C. Scott (President of Council)

☒ Jane M. Griffith

☒ Lewis Lenard (6:02)

☒ R. Standley Luke (Stan)

☒ Forrest T. Rhodes

☒ Jerilyn Curtiss

**Superintendents Present:**

☒ Kevin Boyce (Parks)

☒ Alan Schneider (Electric)

☒ Doug Jones (Chief of Police)

☐ Doug Mast (Street)

☒ Danny Hawkins (Water/Wastewater)

**Also Present:** ☒ Regina Kewley (City Clerk)

☒ Jimmy Hugunin (Zoning & Grants Clerk)

☒ Thomas F. Robrahn (City Attorney)

☒ Susan Stroh (Administrative Assistant)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** Vanessa Tatman

**AGENDA:** *Council Member Luke stated, "I move to approve the agenda as amended." Council Member Curtiss said, "I second the motion." Motion unanimously carried.*

**MINUTES: May 21, 2014:** *Council Member Luke, "I move to accept the Draft Minutes of Council's regular session of May 21, 2014 as corrected." Council Member Curtiss, "Second." Motion unanimously carried.*

**PUBLIC COMMENTS:** None

**APPOINTMENT: Vanessa Tatman - request to hold outdoor movie at 4-H Building on June 28**

Vanessa Tatman addressed Council, "We are having a family reunion on the 27th and 28th, and we already have reserved the 4-H Building. On Saturday evening, the 28th, we plan to have an outdoor theater with popcorn next to the building, and we could go to the back side of it. The movie will be either Frozen, Despicable Me, or Monster's University; it will be a Disney movie." Superintendent Boyce said it would not be a problem. *Council Member Curtiss stated, "I move to approve Vanessa Tatman's request to hold an outdoor movie at Kelley Park on Saturday, June 28, 2014." Council Member Griffith, "I second." Hearing no discussion, President of Council Scott called for a vote. Motion unanimously carried.*

**APPOINTMENT: Stan Luke: Methodist Church Ice Cream Social, Kelley Park, use 4-H Building (6/16/14)**

Stan Luke addressed Council with a request on behalf of the Methodist Church, "Most of you know the Pastor of the Methodist Church has been reassigned and leaving. We would like to have a community Free Ice Cream Social at Kelley Park on Monday, June 16 from 6 p.m. to 8 p.m., and have access to the 4-H Building only in case of bad weather and we need to be inside." Council Member Griffith asked who is doing it. Stan Luke answered, "The Outreach Committee of the Methodist Church." Superintendent Boyce said it was okay with him. Stan said he had checked with Utility Billing Clerk West to be sure if the 4-H Building is available. *Council Member Curtiss stated, "I move to approve Stan Luke's request for the Methodist Church to use Kelley Park on June 16, 2014 from 6:00 p.m. to 8 p.m. to hold an Ice Cream Social; and if needed, the 4-H Building." Council Member Lenard, "Second." Hearing no discussion, President of Council Scott called for a vote. Motion unanimously carried.*

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Superintendent Schneider reported Electric personnel have been doing a lot of line locates and work orders, daily line maintenance, equipment maintenance, and normal daily duties.

**Power Outages:** There were two power outages since last meeting of Council. On North 14th Street, an outage was caused by a connection getting loose on a bypass switch and causing it to go bad; so we did some work there on Saturday. The other was a minor outage caused by tree a limb on a street light circuit.

**Tree Trimming:** Superintendent Schneider said, "We are getting into tree trimming season again; so over the next couple of months, we will be trimming trees in our utility right-of-ways."

**ELECTRIC DEPARTMENT: Power Plant/Production Update**

**General:** Power Plant personnel have been performing normal power plant duties, generation maintenance on Unit #4, and doing required reports.

**Natural Gas:** Superintendent Schneider stated, "For a long time throughout the years, we have been limited on our natural gas supply to generate electricity. So, we have been going through old generation records and generator manuals to see not only do we need the volume, but we need certain pressure to make those motors run. We are going to see if we can do something with the local natural gas supplier to correct that. With natural gas we do generate a lot cheaper electricity; and we're so limited on the time of year that we can actually use natural gas. We're researching to see what it will take to make that work."

**ELECTRIC DEPARTMENT: Electric Rate Study**

Superintendent Schneider reported, "So everybody knows, it's been since 2006 when our last electric rate study was done and there have not been any rate changes for the City of Burlington. This year, we did contact Allgeier Martin & Associates and they did perform a rate study for us; and we've been working back and forth with them. The results came in, and I wasn't happy with everything we've seen; so we've had some revisions. I would like to visit with the Electric Committee before we go public with anything. I want to make sure everyone

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is on board and in agreement; and once we've had that discussion, we will be ready to get the word out to the citizens. To do that, we will use our social media (our webpage and facebook) and the local newspaper. Allgeier Martin will have two representatives at the June 18 meeting of the Council to go over that rate study with us and the public that is in attendance, and explain that." President of Council Scott asked if anyone had questions. There were none.

**WATER DEPARTMENT: Update**

**Waterline Replacement Project:** Superintendent Hawkins reported, "We've still been working on Yuba Street waterline replacement. We've not had much success. We tore out two services trying to find them (?), but we did get them repaired and back online. We'd like to get Yuba completed by the end of June, so we can start on St. Lawrence."

**Flushing Fire Hydrants:** We've been flushing hydrants because we have been getting calls about rust in the water.

**Water Service Installations:** We've also been working on installing water services and have completed those.

**Training - CDLs:** Superintendent Hawkins reported personnel have been getting their Commercial Drivers Licenses. He, Phillip Decker, and Dave Mefford got their CDLs completed last Friday. Bruce Stull and John Hegg will go to finish their driving test on Friday, the 13th of June. Troy Payne will take his test, as well; and all Water/Wastewater personnel should have their CDLs.

**Ford F550 4X4 & Dump Truck** Superintendent Hawkins said, "We did get our new dump truck. We drove to Kansas City yesterday and picked it up. It is fantastic."

**General:** Personnel have been doing normal duties, work orders, line locates, and meter re-reads.

**WATER DEPARTMENT: Update**

**General:** Personnel have been doing general maintenance and preparing reports.

**SCADA System Problems:** Superintendent Hawkins stated, "I have been in touch with Jeff Shamberg and with Andy Wright, who was here last council (both of Bartlett & West). We've been having conference calls back and forth. We are seeing quite a few upgrades on the SCADA System. We are hoping - if everything goes well with the downloads Jeff is supposed to do tomorrow and Friday, we should start simulating warnings in the pump stations to see if we can eliminate all that. He is staying on top of it; but as we've told him before, they won't get paid until it is done and working correctly."

**WATER/WASTEWATER DEPARTMENT: Drought Water Emergency Stage 2, Warning Declared**

**Plant running well / Water Warning:** Superintendent Hawkins stated, "The plant has been running really great. We're pumping roughly 500,000 gallons a day of water. I know everybody's been advised Governor Brownback declared Coffey County to be in a Water Warning. I don't have a lot of answers for you, other than if there's any complaints, you can call the Governor for an explanation. We will do as we did in the past (2012-2013) - provided a weekly report in the newspaper and on our website and Facebook page to keep the public informed. At the Water Plant, we are not doing any of our changeover for summer. We normally go into summer usage on the 1st of June, but water use is not high, so we are not going to change the hours until we start seeing substantial increase in demand; and since we're in a water warning and people should be conserving water, we should not see an increase in demand."

**Water Warning and Hydrant Flushing** President of Council Scott inquired, "Does flushing fire hydrants have any effect with the water warning?" Superintendent Hawkins explained, "We have no choice. Under KDHE rule, if chlorine residuals or if we have rusty water, we are required to give the public quality water. It's that time of the year when spring weather warms up waterlines and the cast iron is breaking free in the lines; so we are going to flush as needed." Council Member Lenard asked, "Where are those lines at, Danny?" Superintendent Hawkins replied, "Most of them are on cast iron lines, usually around the elementary school; and that is cast iron we're going to replace. We'll get calls on Hudson Street and St. Lawrence, which have the cast iron lines that we are going to replace. So far we've flushed around 53,000 gallons of water just in the last week off of Niagara and St. Lawrence. That's why we're hoping to start the waterline replacement on St. Lawrence Street as soon as possible and start eliminating these cast iron lines."

**Resolution 2014-03, Declaration of Drought Water Emergency Stage 2, Warning:** President of Council Scott stated, "This Drought Water Emergency Stage 2 Warning is pretty cut and dry, so we don't have a choice, it needs passed. So, I would entertain adopting that resolution at this time." ***Council Member Luke stated, "I move to adopt Resolution 2014-03, Declaration of a Drought Water Emergency Stage 2 Warning." Council Member Lenard, "Second." Hearing no discussion on the motion, President of Council Scott called for a vote. Motion unanimously carried. President of Council Scott declared Resolution 2014-03 adopted by a vote of 6:0.***

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**WATER DEPARTMENT: Rural Water District No. 2, Franchise Contract and Ordinance 829**

President of Council Scott stated, "We have the contract with Rural Water District #2 to act on. Tom, are you comfortable with it?" Attorney Robrahn said that Superintendent Hawkins, Attorney Dennis Roth, and Mayor Gene Merry and everybody had worked hard on it, so he is comfortable with it. President of Council called for a motion to authorize the contract.

***Council Member Curtiss stated, "I move to adopt Ordinance 829, Authorizing a Contract for Water Supply with Coffey County Rural Water District #2." Council Member Rhodes, "Second." Hearing no discussion, President of Council Scott directed City Clerk Kewley to poll Council for a vote. All votes were in favor. President of Council declared Ordinance 829 adopted by a vote of 6:0.***

**STREET DEPARTMENT: Update**

City Clerk Kewley provided Superintendent Mast's department update.

**General:** Street personnel have been doing their normal work and have worked on a couple of alleys. They replaced a couple of culverts and unplugged numerous culverts after the storm.

**Asphalt Project - prep work:** Personnel have been crack filling and doing some pothole patching with the AMZ machine - citywide. They bladed all the roads that are to be overlaid with asphalt in advance of Killough Construction starting the 2014 Asphalt Project this week. He has been working with Killough to close the rest of the streets and started laying hot-mix today.

**POLICE DEPARTMENT: Update**

**General:** Chief Jones reported, "It has been normal business for the Police Department. Just a few minutes ago, one of the officers pulled case number 1,452 on June the 4th. We finished off last year at 2,200 cases. We're running ahead of last year already; and we're staying busy."

**Police Building Construction Project:** Chief Jones stated, "Obviously, we broke ground for the building. We've got a square hole in the ground. This week the contractor poured footings for the basement wall. Other than one minor kerfuffle with Dig Safe, the telephone company, and an irate business owner, it's actually been going pretty good down there."

**Training with Wolf Creek Security:** Chief Jones said, "Wolf Creek Security called this afternoon and invited us to send our firearms instructor to a three-day recertification course that they are going to cover the cost to at Wolf Creek in a couple of weeks. We're going to take advantage of that training."

**Nuisances:** The Police Department has been handling calls and working nuisances.

**PARKS DEPARTMENT: Update**

**General:** Parks personnel have been doing normal duties, including cleaning public restrooms and buildings, and mowing, weedeating, spraying weeds, equipment maintenance, and watering flowers and trees. They also mowed one nuisance yard.

**PARKS DEPARTMENT: 2014 Oak Park Asphalt Parking Lot Project**

Superintendent Boyce said, "The asphalt companies came to town ahead of the time we're used to, so I was caught off guard. One of my goals for this year was to asphalt the parking lot at Oak Park. I got with them and they gave me quotes for that and for repairs at Conrad Park where I put concrete parking in last year and at the City Dam/Drake Park where a couple spots in the parking area need repaired. We added a little to the quote in case we run into more than expected at the City Dam. My recommendation is to accept the quote not to exceed \$20,500 from Killough Construction."

***Council Member Curtiss stated, "I move to accept the quote from Killough Construction for the Oak Park Asphalt Parking Lot Project, to include minor repairs to parking lots at Conrad Park and Drake Park, not to exceed \$20,500.00." Council Member Griffith, "I second it." President of Council Scott called for discussion. Council Member Luke asked if it was budgeted. It was. Hearing no additional discussion, President of Council Scott called for a vote. Motion unanimously carried by a vote of 6:0.***

**FINANCE: Claims Ordinance & Payroll Ordinance**

a.	Claims Ordinance	2014-10	<u>\$127,776.91</u>
b.	Payroll Ordinance	2014-12	<u>\$ 72,542.36</u>
	TOTAL		\$200,319.27

**CLAIMS 2014-10:** Council Member Curtiss, "I move City of Burlington pay Claims Ordinance 2014-10 in the amount of \$127,776.91 for payment of city bills." Council Member Luke, "Second." President of Council Scott called for discussion. City Clerk Kewley explained, "One of the major items is for the Water/Wastewater Department's dump truck in the amount of \$54,919 to Crow Moddie Ford. We also have \$3,000 to Burlington Auto Supply for supplies; and at the same time \$8,833.58 to GameTime for the Oak Park Fitness Equipment." Hearing no further discussion, President of Council Scott directed City Clerk Kewley to poll Council for a vote. All votes were in favor. President of Council Scott declared Claims Ordinance 2014-10 unanimously approved by a 6:0 vote.

**PAYROLL 2014-12:** Council Member Luke stated, "I move City of Burlington pay Payroll Ordinance 2014-12 in the amount of \$72,542.36." Council Member Rhodes, "Second." Hearing no discussion, President of Council Scott directed City Clerk Kewley to poll Council for a vote. All votes were in favor. President of Council Scott declared Payroll Ordinance 2014-12 unanimously approved by a 6:0 vote.

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**PLANNING & ZONING: Update**

**General:** Zoning Clerk Hugunin has been updating the City's web page and Facebook, sent permits to the County Appraiser for their processing, issued several permits, and attended a Coffey County Strategic Planning Meeting today.

**Police Building Project:** Zoning Clerk Hugunin stated, "I have an update to what Doug (Chief Jones) was talking about. The phone line wasn't marked and it got hit. I asked them to move it and they put it overhead temporarily and will bury it later.

**MT Networks - New Location at 814 N. 4th:** Zoning Clerk Hugunin has been meeting with MT Networks to get their new building construction started.

**OTHER COUNCIL BUSINESS: None**

**PERMITS: Zoning permits issued by Zoning Clerk Hugunin**

- 2014-018 City of Burlington, 616 S. 3rd Street, for a new Police Department
- 2014-020 Paul Caudell, 609 Niagara Street, for a Fence
- 2014-021 B. A. Morris, 222 LaMoille Street, for a Shed
- 2014-022 Bill Truelove, 714 S. 16th, for a Fence
- 2014-023 Frank Brush, 602 Alleghany Street, for a Single Family Dwelling

**LEGAL DEPARTMENT: Update**

Attorney Robrahn informed Council that his secretary has left for a different career endeavor. In the interim, Mary Logan, who has been with him for twenty-two years, will come in one day a week; and Kathy Bahr is helping during the summer; and he has hired a second-year University of Washburn law student. He has hired a new secretary who will start working for him in August.

Attorney Robrahn also said his Information Technician (IT) just told him he needed to upgrade from Microsoft XP to 2007, so he is learning how to use that.

**CITY CLERK'S OFFICE: Update**

**General:** City Hall Staff have been busy with customers paying utility billing, handling calls and inquiries, handling work orders, and preparing meeting minutes, reports, vouchers for paying bills, payroll.

**Delinquent Utility Accounts:** City Clerk Kewley reported that in June we will be sending \$1,650.80 in delinquent utility accounts for collection through the Kansas Set-Off Program.

**Training - Set-Off Program:** Carol Mast, Utility Billing Supervisor, attended a training workshop in Topeka today on the Kansas Set-Off Program. The City uses the Kansas Set-Off Program to assist in collecting outstanding utility accounts; and outstanding municipal court accounts, as well.

**2015 Budget:** City Clerk Kewley reported she is working on the 2015 Budget and sent expenditures to the Department Heads yesterday so we can get ready for the 2:00 p.m., June 12th Budget Finance Committee meeting.

**Orvin 'Skip' Nordness Fraud Case – Repayment:** [Background: On December 17, 2003, Council authorized City Attorney Smith to proceed with filing against Orvin Nordness with the bankruptcy court on behalf of the City of Burlington to try to collect monies owed to the City that would not be dissolved in bankruptcy. Nordness owed the City of Burlington \$175,000 plus interest – or an estimated total of over \$200,000 at that time. . He was out of prison in 2012, and it is part of his parole to pay back money through the Department of Treasury.]

City Clerk Kewley informed Council we received a check in the amount of \$318.96 from the U.S. Treasury from Orvin Nordness, who was convicted of fraud several years ago.

**Business Appreciation Picnic:** City Clerk Kewley reminded everyone the Business Appreciation Picnic is on Friday, June 6 at Kelley Park from 11 a.m. to 1 p.m..

**Employee Appreciation Picnic:** The Employee Appreciation Picnic is on Monday, June 9, 11 a.m. to 1 p.m. also at Kelley Park. City Hall will be closed from 11 a.m. to 1 p.m.

**FUTURE AGENDA ITEMS:**

<b>GENERAL</b> City Debt – How to fund projects	GAAP – Infrastructure Capitalization
City Code Re-codification	Actuaries – GASB-45
Service/Allied Waste Agreement Renewal	Street Assessments - Mohawk between 15th & 16th
Mayor's Volunteer Program	Electric Rate Study
Cyber Security -- KPP System Test/Training	2015 Budget
<b>ELECTRIC DEPARTMENT:</b> GIS system	Automatic Meter Infrastructure for Electric & Water (AMI)
Emissions Standards Compliance/EPA	Natural Gas

(continued)

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<b>LEGAL DEPARTMENT:</b> Municipal Court – Diversion Policy		
<b>PLANNING AND ZONING</b>	Quarterly Construction Valuation Report	Work w/Chief on Nuisance Structure regulations
	Comprehensive Development Plan – Update	Zoning Inquiries
	Industrial Park Lots	Convenience Store in Commerce Park
	MT Wireless/MT Networks Relocation to N 4th St.	
<b>POLICE DEPARTMENT</b> Nuisance Updates		Personnel – Training Updates
New PD Building- Update		
<b>STREET DEPARTMENT:</b>	2014 Asphalt Project	Rebuild/Repair Kennedy Street and 14 <sup>th</sup> Street
	Sidewalk Replacement Repairs on City Rights-of-Way	Pavement Management System/Asset Management System
	Street Department Storm Sewer Project & Rebuild of S. 10 <sup>th</sup> St.	Heather Street – Concrete Panels
<b>WATER &amp; WASTEWATER DEPARTMENT:</b> Sewer Improvement Project--Lift Station Replacements		
Neosho Riverbank Stabilization	Southwest Sewer Project	Water Pressure Study
Water Plant Improvements--Efficiency	Waterline Replacement Project	SCADA System
10 <sup>th</sup> & Housatonic Water Improvements-	John Redmond Reservoir – Dredging	Water Emergency - Warning (Update)

*President of Council Scott declared the meeting adjourned.*

*Approved by the Governing Body and signed by Regina R. Kewley, City Clerk*